

REMARKS

Claims 1-18 are pending after entry of this paper. Claims 1-18 have been subject to a restriction requirement.

The Examiner has required restriction to one of two groups. As set forth by the Examiner, Group I (encompassing claims 1-13) is directed to an apparatus for feeding an anode into a metallurgical smelting reactor, and Group II (encompassing claims 14-18) is directed to a method of feeding an anode into a metallurgical smelting reactor. Applicants provisionally elect to prosecute **Group I with traverse**. The basis for the traversal is set forth below.

The Examiner contends that Groups I and II lack unity of invention, *i.e.*, they do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features. Specifically, the Examiner contends that the feature in common is “feeding an anode into a metallurgical smelting reactor,” and that the alleged common feature is known in the art. The Examiner cites U.S. Patent No. 5,685,892 (“the ‘892 patent”) to support this contention. Without making any representation as to what is or is not known in the art, applicants respectfully disagree.

Applicants assert that the common features among the two groups of claims outlined by the Examiner are not confined to merely “feeding an anode into a metallurgical smelting reactor.” There are multiple features in common among the two groups of claims, and these features are special technical features. For example, independent claims 1 and 14 both recite a “bending element,” and both recite a “radius of curvature.” Applicants respectfully submit that both “bending element” and “radius of curvature” are special technical features as described in the instant specification. Thus, applicants believe that the requirement for restriction under PCT Rule 13.1 is improper.

Furthermore, in regard to the '892 patent, applicants respectfully direct the Examiner's attention to the International Preliminary Report on Patentability ("IPRP") for this application (included with the instant application as filed December 30, 2004), which cites the '892 patent as an "X" document of particular relevance, and proceeds to describe reasons why the invention is novel over the '892 patent. Specifically, the IPRP notes that the '892 patent:

...does not show or indicate in any way that the anodes are bent to a certain radius of curvature as stated in claims 1 and 14 of this application. Consequently, the invention as claimed is novel.

Of particular note, the IPRP did not report a lack of unity of invention.

Applicants respectfully submit that, for the above reasons, the two groups of claims (*i.e.*, apparatus and method claims) as set forth by the Examiner indeed form a single general inventive concept under PCT Rule 13.1. However, in order to be fully responsive to the restrictions requirement, applicants provisionally elect Group I (claims 1-13) with traverse. Thus, applicants believe the requirement for restriction is improper, and respectfully request withdrawal of same.

CONCLUSION

Based on the foregoing remarks, applicants respectfully request reconsideration and withdrawal of the election requirement of claims and allowance of this application.

AUTHORIZATION


The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **13-4500**, Order No. 4819-4735.

Applicants believe this paper to be timely filed. In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **13-4500**, Order No. 4819-4735.

Respectfully submitted,
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